United Nations S/2007/271

Security Council

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Draft resolution

The Security Council,

Recalling its resolutions and the statements of its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to respect the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo,

Recalling the support it provided, in particular through the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), for the process of the Global and All-Inclusive Agreement on the Transition, signed in Pretoria on 17 December 2002, and for the elections that represented the culmination of that process, and *reaffirming* its commitment to continue to contribute to the consolidation of peace and stability in the Democratic Republic of the Congo in the post-transition period,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Deploring again the violence and loss of lives which occurred in late January and early February 2007 in the province of Bas-Congo and from 22 to 25 March 2007 in Kinshasa, *encouraging* the Congolese authorities and MONUC to continue and complete the necessary investigations into these events, *regretting* the use of violence, instead of dialogue, to resolve disputes, and *urging* all Congolese stakeholders to pursue negotiated solutions to their differences with respect for the constitutional framework and the law,

Paying tribute to the international community for the assistance provided to the Democratic Republic of the Congo, *encouraging* the maintenance of that assistance, and *underlining* its commitment to the continuation of a regular political dialogue with the Congolese authorities,

Recalling the importance of elections, including the forthcoming local elections, as a milestone for the longer term restoration of peace and stability, national reconciliation and establishment of the rule of law in the Democratic Republic of the Congo,

Recalling also the importance of urgently carrying out security sector reform and of disarming, demobilizing, resettling or repatriating, as appropriate, and

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reintegrating Congolese and foreign armed groups for the long-term stabilization of the Democratic Republic of the Congo, and the contribution made by international partners in this field,

Reiterating its grave concern at the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, particularly in the Ituri district and in North and South Kivu, which perpetuate a climate of insecurity in the whole region,

Deploring again the persistence of violations of human rights and international humanitarian law in the Democratic Republic of the Congo, in particular those carried out by these militias and armed groups and by elements of the Armed Forces of the Democratic Republic of the Congo (FARDC), the Congolese National Police (PNC) and other security and intelligence services, and *stressing* the urgent need for those responsible for these crimes to be brought to justice,

Recalling its resolution 1612 (2005) on children in armed conflict and the subsequent conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties in the armed conflict of the Democratic Republic of Congo (S/2006/724),

Calling attention to the grave humanitarian situation that persists in the Democratic Republic of the Congo, and *calling on* Member States to continue to provide assistance in that regard,

Taking note with satisfaction of the adoption of the programme of the Government, in particular the governance contract included therein, *calling on* the Government to ensure the full implementation of the contract and *welcoming* the Country Assistance Framework Process as a common strategic approach for assistance to the DRC and as a mechanism to implement the priorities set out in the DRC's Poverty Reduction Strategy Paper for 2007-2010,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, and *declaring its determination* to closely monitor implementation of the arms embargo imposed by resolution 1493 (2003) and expanded by resolution 1596 (2005), and to continue enforcing the measures provided for in paragraphs 13 and 15 of resolution 1596 (2005), in paragraph 2 of resolution 1649 (2005) and in paragraph 13 of resolution 1698 (2006),

Recognizing the link between the illegal exploitation of natural resources, the illicit trade in such resources and the proliferation and trafficking of arms as one of the factors fuelling and exacerbating conflicts in the Great Lakes region of Africa, and in particular in the Democratic Republic of the Congo, and *urging* all States, especially those in the region, to take appropriate steps to end these illegal activities,

Welcoming the signing in Nairobi on 15 December 2006 of the Pact on Security, Stability and Development in the Great Lakes Region, the first meeting of parliamentarians of the Great Lakes region held in Kinshasa from 26 to 28 February 2007, and the resumption of the activities of the Economic Community of the countries of the Great Lakes region (CEPGL),

Taking note of the twenty-third report of the Secretary-General on MONUC, dated 20 March 2007 (S/2007/156), and of its recommendations,

Noting that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the deployment of MONUC until 31 December 2007 and *authorizes* the continuation until that date of up to 17,030 military personnel, 760 military observers, 391 police trainers and 750 personnel of formed police units;

2. *Decides* that MONUC will have the mandate, within the limits of its capabilities and in its areas of deployment, to assist the Government of the Democratic Republic of the Congo in establishing a stable security environment in the country, and, to that end, to:

Protection of civilians, humanitarian personnel and United Nations personnel and facilities

(a) Ensure the protection of civilians, including humanitarian personnel, under imminent threat of physical violence;

(b) Contribute to the improvement of the security conditions in which humanitarian assistance is provided, and assist in the voluntary return of refugees and internally displaced persons;

(c) Ensure the protection of United Nations personnel, facilities, installations and equipment;

(d) Ensure the security and freedom of movement of United Nations and associated personnel;

(e) Carry out joint patrols with the riot control units of the national police to improve security in the event of civil disturbance;

Territorial security of the Democratic Republic of the Congo

(f) Observe and report in a timely manner on the position of armed movements and groups and the presence of foreign military forces in the key areas of volatility, especially by monitoring the use of landing strips and the borders, including on the lakes;

(g) Monitor the implementation of the measures imposed by paragraph 20 of resolution 1493 (2003) as amended and expanded by paragraph 1 of resolution 1596 (2005), in cooperation, as appropriate, with the Governments concerned and with the Group of Experts established by resolution 1533 (2004), including by inspecting, as it deems necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri;

(h) Seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 20 of resolution 1493 (2003) as amended and expanded by paragraph 1 of resolution 1596 (2005), and to dispose of such arms and related materiel as appropriate;

(i) Provide assistance, where it has a permanent presence, to the competent customs authorities of the Democratic Republic of the Congo in implementing the provisions of paragraph 10 of resolution 1596 (2005);

(j) Assist the Government in enhancing its demining capacity;

Disarmament and demobilization of foreign and Congolese armed groups

(k) Deter any attempt at the use of force to threaten the political process from any armed group, foreign or Congolese, particularly in the Eastern part of the Democratic Republic of the Congo, including by using cordon and search tactics to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continue to use violence in those areas;

(l) Support operations led by the FARDC integrated brigades deployed in the eastern part of the Democratic Republic of the Congo, including by undertaking the steps listed in paragraph 75, subparagraphs (b), (c), (d) and (e) of the Secretary-General's third special report on MONUC (S/2004/650), in accordance with internationally recognized standards and norms on human rights and international humanitarian law, with a view to:

- Disarming the recalcitrant local armed groups in order to ensure their participation in the disarmament, demobilization and reintegration process and the release of children associated with those armed groups;
- Disarming the foreign armed groups in order to ensure their participation in the disarmament, demobilization, repatriation, resettlement and reintegration process and the release of children associated with those armed groups;
- Preventing the provision of support to illegal armed groups, including support derived from illicit economic activities;

(m) Facilitate the voluntary demobilization and repatriation of disarmed foreign combatants and their dependants;

(n) Contribute to the implementation of the national programme of disarmament, demobilization and reintegration (DDR) of Congolese combatants and their dependants, with particular attention to children, by monitoring the disarmament process and providing as appropriate security in some sensitive locations, as well as supporting reintegration efforts pursued by the Congolese authorities in cooperation with the United Nations Country Team and bilateral and multilateral partners;

Security sector reform

(o) Provide in the short term basic training, including in the area of human rights, international humanitarian law, child protection and the prevention of gender-based violence, to various members and units of the FARDC integrated brigades deployed in the eastern part of the Democratic Republic of the Congo with a view to enhancing their capacity to carry out the missions referred to in subparagraph (l) above;

(p) In coordination with international partners, continue to develop the capacities of the Congolese national police and related law enforcement agencies in accordance with internationally recognized standards and norms on human rights, proportionate use of force and criminal justice, including the prevention,

investigation and prosecution of cases of gender-based violence, by providing technical assistance, training and mentoring support;

(q) In coordination with international partners, advise the Government in strengthening the capacity of the judicial and correctional systems, including the military justice system;

(r) In coordination with international partners, contribute to the efforts of the international community to assist the Government in the initial planning process of the reform of the security sector;

3. *Decides* that MONUC will also have the mandate, in close cooperation with the Congolese authorities, the United Nations country team and donors, to support the strengthening of democratic institutions and the rule of law in the Democratic Republic of the Congo and, to that end, to:

(a) Provide advice to strengthen democratic institutions and processes at the national, provincial, regional and local levels;

(b) Promote national reconciliation and internal political dialogue, including through the provision of good offices, and support the strengthening of civil society;

(c) Assist in the promotion and protection of human rights, with particular attention to women, children and vulnerable persons, investigate human rights violations with a view to putting an end to impunity, assist in the development and implementation of a transitional justice strategy, and cooperate in national and international efforts to bring to justice perpetrators of grave violations of human rights and international humanitarian law;

(d) In close coordination with international partners and the United Nations Country Team, provide preliminary assistance to the Congolese authorities, including the National Independent Electoral Commission, in the organization, preparation and conduct of local elections, including the provision of advice, technical assistance and logistical support, and keep the Security Council closely informed of progress in this regard, including in the framework of the Secretary-General's periodic reports on MONUC;

(e) Assist in the establishment of a secure and peaceful environment for the holding of free and transparent elections;

(f) Contribute to the promotion of good governance and respect for the principle of accountability;

4. *Authorizes* MONUC to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks listed in paragraph 2, subparagraphs (a) to (e), (g), (h), (k), (l) and (n), and in paragraph 3, subparagraph (e) above;

5. *Exhorts* the democratically elected authorities to respect the space and role conferred on the opposition parties by the Constitution in order to ensure their effective participation in the national political debate and *encourages* all parties to remain committed to the political process and national reconciliation in accordance with the constitutional framework and the law;

6. *Encourages* the Government and the principal partners of the Democratic Republic of the Congo to establish an effective arrangement for regular

consultations promoting a political dialogue aimed at enhancing understanding by key partners of the goals and initiatives of the Government, the continuation of international involvement and concerted efforts by the country's international partners to prevent or respond to crises;

7. *Urges* the Government of the Democratic Republic of the Congo to strengthen its efforts, with the support of the international community, including specialized international organizations, with a view to effectively extending the State's authority throughout its territory, establishing its control over the exploitation and export of natural resources, and improving the transparency of the management of the revenues from the exploitation of those natural resources;

8. *Requests* the Government, with the support of the international community, to develop as a matter of urgency a national security strategy and to plan and carry out security sector reform in order to establish professional security organizations in the areas of defence, police and the administration of justice that are well managed, protect civilians and act in accordance with the Constitution and with respect for the rule of law, human rights and international humanitarian law;

9. *Calls on* the donor community to continue to be firmly committed to the provision of the urgent assistance needed for the integration, training and equipping of the Armed Forces and of the National Police of the Democratic Republic of the Congo as well as for the reform of the administration of justice and *urges* the Government and its partners, in particular the European Union, to agree promptly on ways to coordinate their efforts and to carry out security sector reform by building on the results already achieved;

10. *Demands* that the militias and armed groups that are still present in the eastern part of the Democratic Republic of the Congo lay down their arms and engage voluntarily and without any further delay or preconditions in their demobilization, repatriation or resettlement, and reintegration;

11. *Urgently requests* the Government to develop in close coordination with MONUC, as a matter of priority as part of its effort to extend its authority throughout the Democratic Republic of the Congo, a plan to ensure security in the eastern part of the country, particularly by carrying out the disarmament, demobilization, repatriation or resettlement, as appropriate, and reintegration of foreign and Congolese combatants, and by promoting national reconciliation, recovery and development in the region;

12. *Reiterates its call* upon the Congolese authorities to put an end to impunity, including by bringing to justice without delay perpetrators of grave violations of human rights and of international humanitarian law, and to take into account when they select candidates for official positions, including key posts in the armed forces, national police and other security services, the candidates' past actions in terms of respect for international humanitarian law and human rights;

13. *Recalling* its resolution 1502 of 26 August 2003, *reaffirms* the obligation of all parties to comply fully with the relevant rules and principles of international humanitarian law relating to the protection of humanitarian and United Nations personnel, and *also demands* that all parties concerned grant immediate, full and unimpeded access by humanitarian personnel to all persons in need of assistance, as provided for in applicable international law;

14. *Encourages* the Congolese authorities to continue their efforts, with the support of their international partners, to exercise effective, transparent and comprehensive control over State finances in order to put an end to impunity for those responsible for acts of embezzlement or corruption;

15. *Urges* all States, especially those in the region, including the Democratic Republic of the Congo itself, to take appropriate steps to end the illicit trade in natural resources, including if necessary through judicial means, and, where necessary, to report to the Council, and *calls upon* the international financial institutions to assist the Government of the DRC in establishing effective and transparent control over the exploitation of natural resources;

16. *Demands* that all parties cooperate fully with the operations of MONUC and that they ensure the security of as well as unhindered and immediate access for United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo, *demands* in particular that all parties provide full access to MONUC military observers, including in all ports, airports, airfields, military bases and border crossings, and, in addition, that MONUC human rights observers are granted access to prisons, and *requests* the Secretary-General to report without delay any failure to comply with these demands;

17. *Encourages* the international community to continue its support for the peace consolidation process in the Democratic Republic of the Congo;

18. *Further urges* all Governments in the region, in particular those of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, to resolve in a constructive manner their shared security and border problems and to prevent the use of their respective territories in support of violations of the arms embargo imposed by resolutions 1493 and 1596 or in support of activities of armed groups present in the region, in particular through the Tripartite Plus Joint Commission and through the implementation of the Security, Stability and Development Pact for the Great Lakes Region which they signed on 15 December 2006, and *calls on* the signatories to ratify the Pact at the earliest possible opportunity and to take the necessary measures for its prompt implementation;

19. *Welcomes* MONUC's policy to promote and protect the rights of women and to take into account gender considerations as set out in its resolution 1325 (2000) as a cross-cutting issue throughout its mandate and to keep the Council informed;

20. *Requests* the Secretary-General, through his Special Representative for the Democratic Republic of the Congo, to continue to coordinate all the activities of the United Nations system in the Democratic Republic of the Congo;

21. *Requests* the Secretary-General to ensure that his Special Representative for the Democratic Republic of the Congo, his Executive Representative for Burundi and his Special Representative for the Sudan coordinate the activities of MONUC, the United Nations Integrated Office in Burundi (BINUB) and the United Nations Mission in the Sudan (UNMIS), within their respective mandates, inter alia:

- By sharing military information at their disposal, especially information concerning cross-border movements of armed elements and arms trafficking;
- By pooling their logistic and administrative resources, to an extent that does not prejudice the ability of these two Missions and the Office to carry out their

respective mandates, in order to ensure their maximum efficiency and cost-effectiveness;

– By coordinating, as appropriate, the implementation of national disarmament, demobilization, repatriation, reintegration and resettlement programmes;

22. *Expressing* grave concern at the allegations of sexual exploitation and violence by civilian and military personnel of MONUC, *taking note* of the measures taken by MONUC to address instances of sexual exploitation and abuse and of the zero tolerance policy reiterated by the Secretary-General during his recent visit to the Democratic Republic of the Congo, *requests* the Secretary-General to continue to fully investigate these allegations, to take the appropriate measures set out in the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13), and to keep the Council informed, *underlines* the importance of MONUC conducting training for the personnel concerned in order to ensure full compliance with its Code of Conduct regarding sexual misconduct, and *urges* troop-contributing countries to take appropriate disciplinary and other action to ensure full accountability in cases of such misconduct involving their personnel;

23. *Requests* the Secretary-General to keep it informed periodically of developments in the situation in the Democratic Republic of the Congo, and to submit to the Council by 15 November 2007 a report containing benchmarks and an indicative timetable for the gradual drawdown of MONUC;

24. *Decides* to remain actively seized of the matter.